

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PATRICIA ANN YATES, as the :
Administratrix of the Estate of
FRANK LEE YATES, JR., :
deceased,

Plaintiff,

vs.

CA 08-0337-KD-C

MEDTRONIC, INC., et al.,

Defendants.

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed¹, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated July 31, 2008 is **ADOPTED** as the opinion of this Court.

The Clerk of Court is DIRECTED to REMAND this action to the Circuit Court of Mobile County, Alabama.

DONE this 26th day of August, 2008.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

¹ On August 25, 2008 defendants Cardiology Associates of Mobile, Inc., Stephanie D. Grosz, M.D., and Scott D. Kirby, M.D., filed a request for the court to “promptly issue and Order remanding the case to State Court.” (Doc. 46)